United Nations A/60/538–S/2005/700

General Assembly
Security Council

Distr.: General
7 November 2005
English
Original: Spanish

General Assembly
Sixtieth session
Agenda item 108
Measures to eliminate international terrorism

Security Council
Sixtieth year

Letter dated 3 November 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a press release from the Permanent Mission of Cuba to the United Nations (see annex).

I should be grateful if it could be circulated as a document of the Security Council, and of the General Assembly under agenda item 108.

(*Signed*) Orlando **Requeijo Gual**
Ambassador
Permanent Representative

05-59047 (E) 111105 111105

Annex to the letter dated 3 November 2005 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General

Press release from the Permanent Mission of Cuba to the United Nations

Silencing the truth is an unpardonable crime

Two recent news items confirm, with regrettable accuracy, the justification for Cuba's earlier complaints about the plans of the current United States Administration to obstruct the course of justice in its eagerness to please the Cuban-American mafia that controls the fate of southern Florida and to which it owes, among other costly favours, the fraudulent election of George W. Bush in 2000.

On Wednesday, 26 October, in a cynical and shameless act that was reported only in the Miami press, the representatives of the Department of Homeland Security (DHS) allowed the expiration of the deadline for appealing the ruling handed down the previous month by immigration judge, William L. Abbott, in the ludicrous immigration proceeding that the Department pretended to institute against the terrorist, Luis Posada Carriles and which in fact did not even deserve to be called a proceeding, since the methods and means used by the mafia to bring the criminal into the United States were never the subject of investigation.

Never before had the double standards used by the United States authorities in the fight against terrorism been so blatantly exposed. By not appealing this disgraceful ruling, the officials of the Department of Homeland Security — a superstructure with a multi-million-dollar budget, whose agencies are supposed to protect United States citizens from terrorist acts — gave its seal of approval to the farce that took place in El Paso and cleared the way for a man who, together with Orlando Bosch, is considered one of the two most dangerous terrorists in our hemisphere, to take up residence in the territory of the United States.

"We are very pleased, although we really would have preferred if these had been no appeal at all ..." the attorney Eduardo Soto acknowledged in a statement to *El Nuevo Herald*, the same rag that served as the mouthpiece for the brazen revelations of Posada's own attorney about the barefaced blackmail he had negotiated in Miami, while the farcical hearing was being held in El Paso, from which, according to many, he was inexplicably absent.

Another Department of Homeland Security agency now enters the picture. Dean Boyd, a spokesman for United States Customs and Immigration Enforcement (ICE), said that the immigration judge "ordered that Posada should be deported from the United States and we intend to comply with that order". This was also published in *El Nuevo Herald*, which, at the same time, hastened to clarify that a third country had to be found, because "the deportation of Posada to Cuba or Venezuela would not be admissible under the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment". In other words, it published the crass lie which the said Abbott was ready to accept in order to justify a decision that served as more fodder for the ferocious campaign of slander against the Venezuelan Government and prepared the ground for giving protection to a confessed terrorist and fugitive from justice.

One has only to look at how Bosch took refuge in Miami to conclude that no third country would be willing to accept Posada and that, as before, there will eventually be another "presidential pardon" by a member of the Bush dynasty — this time by the son like his father before him — brokered by the mafia's representatives in the House of Representatives, if indeed this is necessary, given the deep involvement of the Presidential family in Posada's criminal history.

For the time being, attorney Soto, with the swagger derived from the impunity that was negotiated, announced that he would start the procedure to obtain his client's release "90 days after the decision".

Meanwhile, the Government has again responded with shameful silence to the request for extradition that was submitted and fully justified by Venezuela, which provided all the evidence it had on the terrorist's responsibility for planning, in Caracas, the sabotage of the Cubana aircraft which cost the lives of 73 people in October 1976, an accusation supported by numerous documents from the Central Intelligence Agency (CIA) and the Federal Bureau of Investigation (FBI) that have recently been declassified.

Despite having the moral authority as the principal victim in that crime, Cuba has ceded its legitimate right to try the murderer to a country that has more flexible laws and extradition agreements with the United States. It once again demands a response to Venezuela's request and an end to the farce orchestrated by the United States Government using deception and silence to yield to the mafia's pressure so that its own terrorist could receive the protection of the nation that is today sacrificing its youth on the altar of a so-called war against terrorism.

Let us end the lies and deception. Those who ordered the infamous El Paso ruling are the same people who did not appeal it. At the end of the day, they are all officials of the same Administration and we know that they all obey orders that come directly from Washington. This was confirmed when Posada's lawyers announced that the terrorist would withdraw his request for asylum so that his declarations would not embarrass the Government with which they were negotiating another way out. What other way? Granting safe haven to the terrorist, this new affront to those of us who suffered as victims of the Barbados crime, but also to the mothers of the more than 2,000 United States soldiers who have died in the senseless and bogus war against terrorism that the Government of Bush W. insists on prolonging.

Against the release of the Cuban Five

The second news item that supported Cuba's earlier charges was published in the Miami press on Monday, 31 October. On that day, the Court of Appeals for the Eleventh Circuit in Atlanta agreed to hear the appeal by the Attorney General's office against the unanimous decision taken by a panel of judges of the same Circuit on 9 August 2005 to overturn all of the convictions of the Cuban Five and to order a new trial.

The effect of this agreement, which was decided by a majority and not by all of the judges of the Circuit, will be to drag out the proceedings and thwart the possibility of justice being done swiftly so that these young fighters against terrorism could return to their homeland.

Delaying and obstructing justice was precisely the intention of the Attorney General's office when it appealed the decision of 9 August. Experts consider that this was irrefutable evidence that the Cuban Five were the victims of an arbitrary proceeding, impaired by the prejudices of a community that, for more than 45 years, has been living under the pressure of hatred towards everything related to Cuba and its Revolution, a hatred that was specifically exacerbated by the local press during the trial.

That unanimous decision by the three Atlanta judges ordering a new trial already had a strong precedent in the decision adopted by the Working Group on Arbitrary Detention of the United Nations Commission on Human Rights on 27 May 2005 declaring that the detention and all of the subsequent proceedings against the Cuban Five were unlawful and inadmissible.

Although the agreement of 31 October was one of the options available, according to the experts on the case, the unanimity of the 9 August decision of the panel of three judges and the force of their 93 pages of arguments created expectations that the just decision that there should be a new trial would be ratified. But the appeal by the Attorney General's office was also to be expected, since, for them, re-opening the proceeding would amount to establishing a sort of Nuremberg Tribunal against the long-standing anti-Cuban terrorism centred in Miami, but now in the context of a case that can no longer be silenced as it had been on previous occasions.

It should not be forgotten that the mafia's representatives, Ileana Ros-Lehtinen and Lincoln Diaz-Balart, spared no insults and accusations against the three Atlanta judges or that the more aggressive Miami media went so far as to describe this United States court as "Castroite", in reaction to the decision of 9 August, using the crudest expressions of the visceral hatred that makes it impossible for them to be fair in anything that has to do with Cuba.

It was undoubtedly for this reason that the news that the appeal had been allowed was published first and thus far only in the poisonous pages of a press blinded by the anti-Cuban hatred fostered by the rabid ultra-right in Miami. Meanwhile, a blanket of silence has again fallen on the case in the mainstream United States press that did, however, report on the previous decision of the three judges and which should be taking an even greater interest in the issue now that nearly a dozen Nobel Prize winners and more than 6,000 other eminent personalities from around the world have addressed an open letter to the United States Attorney General calling for the immediate release of the Cuban Five.

Is it not legitimate to ask why this appeal for justice has gone unanswered? Likewise, the call made by President Fidel Castro to the United States authorities on 20 May has received no reply. The call was repeated recently during the second national graduation ceremony for art teachers, when President Fidel Castro recalled that:

> "... As can be seen from the document read out at the Anti-imperialist Tribune organized by Cuba a few months ago and subscribed to by one of the greatest writers in the history of this hemisphere, Gabriel García Márquez, who described and reported on the steps taken by Cuba, to publicize the response of the United States authorities to the information which we provided that the terrorist group led by Posada Carriles was planning to blow up in mid-

flight aircraft whose passengers included United States citizens. Following the wave of attacks against hotels in Cuba, which were uncovered and thwarted, the situation became difficult for terrorists, who then began to consider blowing up commercial aircraft flying to Cuba using the same technique, namely, to send mercenaries aboard the aircraft, who would plant bombs that could explode 50, 60 or even 90 hours later, when they had already left the country.

We communicated this to the United States Government, providing them with the same information that our comrades who are now in prison obtained when they were seeking information on the terrorists in order to defend our people. Obviously, they were not the only ones, but they were part of the mechanisms used by this country to obtain information and to prevent such acts.

You will recall what happened. The Federal Bureau of Investigation (FBI) was even sent to investigate and confirm it. Even though the Bureau was given all the necessary facts, it began gathering evidence a few days later, evidence which it probably already had. It then proceeded to arrest our comrades and to subject them to a sham trial. They are being held in isolation and cannot even talk to each other. Some of their closest family members have been unable to visit them.

The shameless individuals who rage against the Revolution that is engaged in a legitimate struggle against the mercenaries who support terrorism, who support the embargo and who support the cowardly actions against our country are now saying nothing about the prisoners. They have no morals whatsoever or morals that are now in the gutter, as they have been throughout their history, from the time they became industrialized nations, exploiting peoples, exploiting continents and exploiting the world.

But after we recounted the episode described by García Márquez, we waited to see what the rulers of the empire would say, whether it was the truth or a lie that we had informed the President of the United States, whether it was true or false. They said not a word. Not a word: I did or did not receive the report; the FBI did or did not know about it; the FBI did or did not come to Cuba; the FBI received such and such a report, many of them from those very comrades who are now imprisoned in the United States.

Those comrades defended not only the people of Cuba, they defended the people of the United States, defended American citizens from the actions of the terrorist mafia in Miami and from the murderers of the Posada Carriles gang.

Not a single word ..."

Why, after all these months, has no one given even a cursory response to the questions asked by President Fidel Castro, and which were based on an irrefutable historical document?

Because of the same injustice at the heart of the immoral decision of the United States Administration to give in to the blackmail of the mafia and pave the way for granting refuge to Posada, while at the same time manoeuvring to prevent a new trial that would reveal to the world the sustained war of terror that successive

Governments of the empire have sponsored in a futile attempt to destroy the Cuban revolution.

Silencing the truth is an unpardonable crime, particularly when the truth could lead to the just punishment of the killers and to well-earned recognition of the heroes.

Cuba will never tire of demanding a reply to its questions from the United States Government and from all those who know the truth as set out in that document, which at the same time confirms how dangerous Luis Posada Carriles and his accomplices continue to be, not only for Cuba, but also for the people of the United States.

Those who keep silent are the same ones that give refuge to terrorists and imprison fighters against terrorism. They are the ones that are responsible for illegal and never-ending wars in the name of a lie that is becoming increasingly evident and unacceptable and which is claiming the lives of thousands of young men from the United States and other parts of the world.

Today, more than ever, it is essential to make a commitment to the truth, which is the cause of the just.

Permanent Mission of Cuba to the United Nations
New York, 3 November 2005